

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH.

Crl. Misc. No. 18267-M of 2007.
Date of Decision: April 24, 2007.

Gaurav Kapoor

....Petitioner

through
Mr. S.M.Sharma, Advocate

Versus

State of Haryana .

...Respondent
through
Mr. Tarun Aggarwal, Sr. DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

The prayer in this petition is to release the petitioner on regular bail in FIR No. 307 dated 14.10.2005, under Sections 302/34/120-B IPC and Section 25 of the Arms Act, registered at Police Station, Ambala Cantt.

The above stated FIR has been registered on the statement of Amarpal Singh @ Ashu, who has alleged that he along with his friend Deva, who was riding the pillion of his motor cycle, were coming home via cross-road No. 12 and when they reached in front of Juneja Hospital, two young boys wearing helmets and riding a motor cycle came from behind and one of them fired at Deva who was riding pillion on the motor cycle, as a result of which Deva fell down and the complainant also lost balance while driving the motor

cycle. Taking advantage, both the young boys fled on their motor cycle. Deva died as a result of the gun shot injury, referred to above.

Though, no one was named in the FIR, however, it appears that during the course of investigation, the petitioner was implicated and was arrested on 22.6.2006. The petitioner is alleged to have made a confessional statement also to the effect that he was an informer of his co-accused -Gogi, who allegedly murdered the deceased.

There is, however, no denial to the fact that the prosecution has examined ten witnesses including the complainant and none of them has supported the prosecution case.

Vide order dated 5.4.2007 passed by this Court in Criminal Misc. No. 16929-M of 2007, co-accused of the petitioner has already been released on bail.

After hearing learned counsel for the parties and for the reasons afore-stated, however, without going into the merits of the case, lest it should prejudice either of the parties, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Ambala.

Disposed of.

April 24, 2007.
dinesh

(SURYA KANT)
JUDGE